IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO: 16476 of 2004

Between:

Smt. B.S.V. Nagamani, W/o Bhaskar Rao,
Mylavaram (V&M), Krishna District.

..... PETITIONER

AND

1 The Joint Collector, Krishna, Machilipatnam.
2 The Revenue Divisional Officer, Vijayawada, Krishna District.
3 The Mandal Revenue Officer, Mylavaram, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ or direction preferably writ of mandamus declaring the order of suspension issued in proceedings No. A7/2245/2003 dt.3-11-2003 issued by 2nd respondent and continuing the said suspension order despite specific directions issued by 1st respondent on 20-12-2003, 21-4-2004 and 23-5-2004 as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents to allow the petitioner to run the Fair Price shop as usual by revoking the said suspension order.

Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following:

HONOURABLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.16476 OF 2004

ORDER:

The petitioner is the authorized dealer of the Fair Price Shop No.5 of Mylavaram village and Mandal, Krishna District. Her authorization was suspended by the Revenue Divisional Officer, Vijayawada by proceedings dated 03-11-2003, pending enquiry into the alleged irregularities in distribution of the essential commodities. Against the said order, the petitioner preferred an appeal before the Joint Collector, Krishna, which was disposed of by an order dated 20-12-2003 directing the Revenue Divisional Officer, Vijayawada to dispose of the disciplinary case pending against the petitioner within two months from the date of receipt of the order, after giving reasonable opportunity to the petitioner to explain the lapses pointed out against her.

2. It appears that subsequently, the Joint Collector, Krishna, has also addressed a letter dated 21-04-2004 directing the Revenue Divisional Officer to finalize the disciplinary case, as expeditiously as possible and report compliance.

3. The grievance of the petitioner is that in spite of the said proceedings, the Revenue Divisional Officer failed to complete the enquiry till today. Hence, this Writ Petition contending that the inaction on the part of the second respondent, is arbitrary and illegal and therefore the order of suspension is liable to be revoked.

4. I have heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents and perused the material on record.

5. Since the first respondent, who is the appellate authority, while disposing of the statutory appeal, directed to complete the enquiry, the second respondent is bound to comply with the same, within the time fixed by the appellate authority.

6. In the circumstances, I deem it appropriate to dispose of the writ petition with a direction to the second respondent to complete the enquiry initiated against the petitioner as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order, in terms of the order of the first respondent dated 20-12-2003 and to pass appropriate orders in accordance with law after affording due opportunity to the petitioner.

7. With the above directions, the Writ Petition is disposed of. No costs.

G.ROHINI, J

15th September, 2004

SKM

Note:

Furnish C.C.

within two days.

B/o.

skm

To

1 The Joint Collector, Krishna, Machilipatnam.
2 The Revenue Divisional Officer, Vijayawada, Krishna District.
3 The Mandal Revenue Officer, Mylavaram, Krishna District.

4 Two C.Cs. to G.P. for Civil Supplies,

High Court Buildings,

High Court of A.P., Hyderabad, (OUT)

5 Two C.D.copies.